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TAGS: [ELAB](#) [KCRM](#) [KFRD](#) [KWMN](#) [PGOV](#) [PHUM](#) [PREF](#) [SMIG](#)
ASEC, TS
SUBJECT: TUNISIA - 2009 TRAFFICKING IN PERSONS (TIP) REPORT

REF: A. TUNIS 76
[B](#). STATE 5577
[C](#). 08 STATE 132759

[1](#). This cable responds to taskers in Refs B and C. Post POC for TIP related issues is Laura Byergo, (Tel) 216-71-107-306, (Fax) 216-71-107-053. Number of hours spent by rank: 1 hr FE-MC, 2 hrs FE-OC, 2 hrs FS-01, 25 hrs FS-02.

[2](#). Begin TIP responses. Paragraphs below are keyed to the questions asked in paragraphs 23-27 in Ref C.

[3](#). The Country's TIP Situation (para 23)

[A](#). Sources of Available Information on Trafficking in Persons: The GOT has not responded to Post's request for meetings related to this tasker nor has it responded to the questions asked in Ref B, as conveyed to the Ministry of Foreign Affairs via diplomatic note. Post consulted with other relevant organizations to compile this response, including the International Organization for Migration, UNICEF, the General Union of Tunisian Workers (UGTT), diplomatic missions in Tunis, and local and international press coverage of illegal immigration issues. Post believes that the information from these sources is reliable. The GOT provided only written responses to request for information for the 2008 TIP report however, we believe that engaging with the GOT is the only way to increase the exchange of information and we will continue to pursue this avenue as the best way to increase documentation of the presence or absence of human trafficking.

[B](#). Tunisia is not identified as a country of origin, transit, and or destination for internationally trafficked people. Local and international NGOs and missions all reported there was no evidence of trafficking in persons in Tunisia. Non-governmental contacts report that there was no evidence of coercion, fraud, or use of force to induce migrations and no indication that these migrants are subject to involuntary servitude, peonage, or debt bondage in Tunisia. All contacts reported individual migrants were seeking to migrate in Europe independently of any organized criminal or trafficking network. Tunisia's geographic location makes it attractive to illegal migrants, both Tunisians and foreigners, attempting to reach Europe but the migrant flow is small compared to Morocco or Libya. Many Tunisian migrants prefer to go through Libya rather than depart from Tunisia. The GOT works hard to secure its borders for security reasons and therefore has the laws and resources in place to minimize illegal migration across its borders. Additionally, Tunisia's small, homogeneous and

educated population helps diminish the likelihood of trafficking and exploitation. Comprehensive government laws and policies focused on social justice and equality mean Tunisia is well prepared to combat the international phenomenon of trafficking in persons. Government officials are knowledgeable about the international problem, and the GOT has undertaken legal and practical steps to prevent its emergence in Tunisia and to coordinate with those fighting the problem in neighboring countries. There was no evidence of forced labor in Tunisia, and the GOT actively manages and supervises the labor market, including the market for domestic employees.

C-E. Not applicable (N/A).

14. Setting the Scene for the Government's Anti-TIP Efforts (para 24)

1A. The GOT does not identify trafficking in persons as a problem in Tunisia. Although the GOT is serious about enforcing legislation designed to combat illegal migration and trafficking, Tunisia does not have a law specifically prohibiting trafficking. Therefore, there were no investigations or arrests specifically designated as trafficking in 2008. However, there are a number of laws under which traffickers could be punished. The Tunisian passport law (No 6/2004) was amended in 2004 to include punishments for anyone who "guides, arranges, facilitates, assists, acts as an intermediary, or organized the surreptitious entry or exit, even without remuneration, of an individual to or from Tunisia by land, sea or air." Violators face imprisonment for up to twenty years and a fine of 100,000 Tunisian dinars (approximately \$70,000) if the crime results in death. Traffickers could also be prosecuted under laws prohibiting slavery, bonded labor, and the misuse of boats. Slavery was banned in Tunisia in 1846, and in 1966 Tunisia ratified the 1926 League of Nations Slavery Convention and related UN protocols. Economic, sexual or criminal exploitation, as well as forced labor, prostitution, participation in armed conflict, displacement and any other form of servitude is illegal. The penal code stipulates that government employees be sentenced to life imprisonment for document forgery. In order to combat illegal migration by sea, marine laws were amended in 2004 (No. 3/2004 and No. 4/2004) to require all boats with motors larger than five horsepower to inform the National Guard of its route and passengers before leaving port, or face a fine of 1,000 Tunisian dinars (approximately \$710). All related international agreements also have the effect of codified law once ratified.

There were no investigations, prosecutions, convictions, or sentences for offenses that were explicitly defined as trafficking during the reporting period. Throughout the year illegal migrants from Tunisia and elsewhere were intercepted off or washed up on, Tunisia's coastline which indicates the potential for trafficking. Most recently, January 19, 2009 a small fishing boat intended for 12 people maximum but overloaded with 35 Tunisians sank about two miles off the coast of La Marsa just north of Tunis. The accident generated a lot of press coverage because most of the passengers were from the immediate area of Tunis. The police arrested several people in association with stealing the boat as well as the boat owner. There were rumors that the migrants paid 2,000 Tunisian dinars (approximately \$1,430) to board the boat. In addition, the Italian embassy reports the number of Tunisians arriving at the island of Lampedusa, a major transit point for illegal migration, increased significantly the end of 2008. Still, there is no evidence that these migrants are being trafficked. Non-governmental contacts report that there was no evidence of coercion, fraud, or use of force to induce migration and no indication that these migrants are subject to involuntary servitude, peonage, or debt bondage in Tunisia. All contacts reported individual migrants were seeking to migrate to Europe independently of any organized criminal migration or trafficking network.

¶B. No government ministry has been specifically designated as the lead agency for trafficking. However, several ministries are involved with enforcing the network of laws that cover immigration and social welfare issues including the ministries of: Justice and Human Rights; Interior and Local Development; Social Affairs, Solidarity and Tunisians Abroad; and Women, Family, Children and Senior Citizen's Affairs. The government assigns a child protection delegate to each of Tunisia's districts to ensure that child sexual abuse victims receive adequate medical care and counseling. The GOT employs government workers, including social workers, to assist in shelters for abused women and children operated by the Tunisian National Women's Union. The GOT also uses its embassy Social Affairs attaches posted in countries with large Tunisian expatriate communities to inform Tunisians of their rights.

¶C. N/A

¶D. N/A

¶5. Investigations and Prosecutions of Traffickers (para 25):

¶A. Please see section 24A. Tunisia did not enact any laws specifically related to trafficking in persons in 2008.

¶B. Sexual exploitation is addressed by the penal code and child protection laws. These laws do not specifically address trafficking, and penalties depend on the degree of exploitation or violation of the law. Government statistics on child exploitation do not indicate how many were victims of commercial sexual exploitation nor do they include the sentences for those convicted of involvement. The GOT has not yet published statistics related to child welfare for ¶2008.

¶C. The Tunisian labor code is comprehensive and strictly enforced. Slavery, forced, and bonded labor are banned by the constitution, national laws, and international conventions. There were no reported cases regarding forced labor in the Tunisian courts in 2008. The Ministry of Employment operates regional centers in each of Tunisia's 24 governorates, as well as 83 smaller offices, to assist job seekers in securing legitimate jobs and contracts. The Ministry of Social Affairs, Solidarity and Tunisians Abroad is responsible for investigating violations of the labor code, including reports of labor abuses, and conducts approximately 30,000 investigations annually. Tunisia is not a destination for labor migrants.

¶D. The maximum penalty for rape with the use of violence and/or threat with a weapon is death, which is also prescribed for rape of a child under ten, even without the use or threat of violence. In practice the death penalty has not been implemented since 1991. For all other rape cases (i.e. without consent of the victim) the penalty is life imprisonment. Tunisian law states that children under the age of 13 cannot consent to sexual relations. Those guilty of or intending to have sexual relations with a child over 13 and under 15 can be sentenced to six years. Those guilty of or intending to have sexual relations with a child over 15 and under 20 can be sentenced to five years.

¶E. The GOT did not prosecute any cases against human trafficking offenders during the reporting period.

¶F. GOT officials are knowledgeable about trafficking issues, but the GOT did not publicize or otherwise inform the Embassy of any specialized training for government officials in trafficking issues during the reporting period.

¶G. The GOT does cooperate with other countries to secure its borders, to prevent illegal migration, and to protect its citizens abroad. However, there were no reported cases of international cooperation specifically related to trafficking in persons in the reporting period. The Tunisian penal code allows for the punishment of individuals who commit crimes of debauchery outside of the country.

¶H. N/A

¶I. There is no evidence of GOT involvement in or tolerance of trafficking on a local or institutional level.

¶J. N/A

¶K. Prostitution is illegal under the penal code, which includes punishments for prostitutes, clients, and intermediaries, and is strictly enforced. Prostitutes and their clients can be imprisoned from six months to five years and face fines of up to 500 Tunisian dinars (approximately \$350). Enforcement and prosecution of prostitution laws is strict. However, in a small number of Tunisian cities, prostitution is legally organized and supervised by the Ministry of Interior in confined areas.

¶L. There was no evidence that Tunisian peacekeepers deployed abroad engaged in or facilitated trafficking.

¶M. None of our sources identified child sex tourism as a problem and there are no public statistics on the number of pedophiles prosecuted or extradited. However, there was a least one press report that discussed the problem, possibly growing, of children living on the street and their vulnerability. International NGOs reported that the GOT was studying the problem of street children during the reporting period. See also sections 25B and D.

¶6. Protection and Assistance to Victims (para 26):

¶A. Neither international organizations nor the government reported evidence of the presence of foreign or domestic trafficking organizations in Tunisia. As there was no evidence of trafficking, the government provided no dedicated support to organizations for services to trafficking victims or witnesses and there were no organizations specifically undertaking this effort.

¶B. The government does not have victim care facilities. However, the GOT generally cooperates with UNHCR and other humanitarian organizations in assisting refugees and asylum seekers. There are several private charities and government-sponsored NGOs that offer assistance to illegal immigrants entering the country. UNHCR reported that none of the people it interviewed during 2008 provided any indications that they had been trafficked. The GOT does fund centers that provide limited shelter and assistance to children without parents and operates juvenile reform centers. See also section 24B. Two private NGOs operate women's shelters that could be utilized by trafficking victims.

¶C. N/A

D-G. N/A

H-J. The GOT does not proactively identify victims of trafficking among high-risk persons and therefore does not encourage victims to assist in the investigation and prosecution of trafficking per se.

¶K. The GOT did not report that it had provided any specialized training for government officials in identifying trafficking victims.

¶L. N/A

¶M. UNHCR, IOM, and UNICEF are present in Tunisia and report that the government is generally cooperative in assisting them in their work.

¶7. Prevention (para 27):

¶A. N/A

¶B. N/A

¶C. There is no specific interagency mechanism or task force established to deal with trafficking; however, the government works across agencies to handle illegal immigration issues and to control illegal labor, prostitution and other social issues.

¶D. As there was no evidence of trafficking in persons the government does not have a national plan to deal with this issue.

E-F. The government did not report any actions or campaigns to reduce demand for commercial sex or to reduce participation by its nationals in international sex tourism.

¶G. The government did not report any measures to ensure its nationals deployed as peacekeepers do not engage in or facilitate trafficking.
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